Amendment No. **3 to HB1879**

<u>**Curtiss**</u>
Signature of Sponsor

AMEND   Senate Bill No. 2031   House Bill No. 1879*

by deleting Section 8 of the bill in its entirety and by substituting instead the following:

SECTION 8. Tennessee Code Annotated, Section 66-11-108, is amended by

deleting the current language in its entirety and by substituting instead the following:

§ 66-11-108.

If the contract for an improvement is made with a mortgagor, and the

lienor has served the mortgagee with written notice of the same by certified or

registered mail before the work is begun or materials furnished by such lienor,

and the mortgagee gives written consent thereto by certified or registered mail,

the lien provided by this chapter to that lienor shall have priority over the

mortgage; and if the mortgagee fails to serve a written objection by certified or

registered mail within ten (10) days after receipt of the notice, the mortgagee's

consent shall be implied; provided, that the person giving notice shall include a

name and return address to which the written objection shall be served. If notice

is not served in accordance with the provisions of this section, then the lien shall

not have priority over a mortgage otherwise entitled to priority over the lien under

applicable law.

AND FURTHER AMEND by inserting the language "except as provided in § 66-11-108,"

between the language "For purposes of this chapter," and the language "any notice" in the

amendatory language of Section 48, subsection (c) of the bill.

AND FURTHER AMEND by deleting the amendatory language of Section 48, subsection (d) of

the bill and by substituting instead the following:

(d) For purposes of this chapter, there is a rebuttable presumption that service is

complete:

(1) Upon receipt by the party being served by hand delivery,

(2) Within three (3) business days of mailing if served by registered or certified mail, return receipt requested; or

(3) One (1) business day after commercial, overnight delivery if served by that means.